

City Council Meeting Minutes

**June 16, 2020
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Stolzmann called the meeting to order at 6:00 p.m. **Roll Call** was taken and the following members were present:

City Council: ***Mayor Ashley Stolzmann
Mayor Pro Tem Dennis Maloney
Councilmember Kyle Brown
Councilmember J. Caleb Dickinson
Councilmember Deborah Fahey
Councilmember Chris Leh (arrived 6:20 pm)
Councilmember Jeff Lipton***

Staff Present: ***Heather Balser, City Manager
Megan Davis, Deputy City Manager
Kevin Watson, Finance Director
Penney Bolte, Tax Administrator
Dave Hayes, Police Chief
Emily Hogan, Assistant City Manager for Communications
& Special Projects
Katie Baum, Sustainability Coordinator
Meredyth Muth, City Clerk***

Others Present: ***Kathleen Kelly, City Attorney***

Mayor Stolzmann noted that because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

APPROVAL OF AGENDA

Mayor Stolzmann called for changes to the agenda and hearing none asked for a motion to approve. Councilmember Lipton moved to approve the agenda; seconded by Councilmember Dickinson. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT AGENDA

None

APPROVAL OF THE CONSENT AGENDA

Mayor Stolzmann called for changes to the consent agenda. Hearing none she asked for a motion to approve the consent agenda. Councilmember Lipton moved to approve the agenda; seconded by Councilmember Fahey. All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: May 26, 2020; May 28, 2020; June 2, 2020***
- C. *Approval of Special Meetings on July 21, 2020 and July 23, 2020***
- D. *Approval of Resolution No. 46, Series 2020 – A Resolution Approving a Consent Agreement Regarding Use of Simple, Non-Compounding Annual Interest Rate for Reimbursement Payments Pursuant to the Southern Water Supply Project Allotment Agreements***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER'S REPORT

City Manager Balser thanked staff for their work on the outdoor dining program on Main Street.

REGULAR BUSINESS

BOULDER COUNTY PUBLIC HEALTH UPDATE ON COVID-19

Jeff Zayach, Director of Boulder County Public Health (BCPH), stated we will be in this phase of social distancing and precautions until there is a vaccine available. He noted new information is coming daily but much is a guess based on the current data. He stated there has been an outbreak this week in Boulder. Contract tracing is starting and they are working to keep it under control.

He reviewed the components that are helping us move to the next stage: 1) Testing has been increased greatly and will soon be available for those that are asymptomatic; 2) Case investigation and contract tracers are working; this is key to controlling the disease. 3) Surveillance and monitoring is now in place for tracking at the local and state level.

Everyone is now under the Safer at Home and in the Great Outdoors regulations and we hope to move soon to the Protect your Neighbors Phase. If the above three items are met we can move to the next phase.

Zayach noted that there is a surge expected in late summer and into the fall. Planning is happening to address school in the fall. He stated social distancing, wearing a mask, and washing hands frequently are all key at this point.

Zayach reviewed the statistics for Boulder County to date. He highlighted early outbreaks in long term care facilities, how it impacts older populations, the current outbreak, hospitalization rates, and the need for social distancing and mask wearing to keep transmission rates down.

Mayor Stolzmann asked if the County will be extending its mask ordinance beyond the end of the month. Zayach stated no decision has been made yet.

Mayor Stolzmann asked if BCPH will be in a position to purchase N95 masks for all County residents. Zayach stated the County does not have the ability or funding to do that.

Councilmember Brown asked how the City can prepare for another wave. Zayach stated consistent messaging on the safety guidelines are key issues.

Councilmember Dickinson asked how can we best avoid another outbreak. Zayach stated contract tracing is key so cases can be traced and people quarantined.

Public Comments

Sherry Sommer, 910 South Palisade Court, asked if it helps if residents participate in studies and are there some that we could volunteer for. Zayach stated he does not have enough information to answer that.

REVIEW OF MATTERS RELATED TO THE LOUISVILLE POLICE DEPARTMENT

Mayor Stolzmann stated the Louisville Community is very inspirational putting out positive images and messages around town these past few weeks. She stated we have to live up to the expectations of our community members and noted this is a chance to learn about the Police Department today and what our plans are for the future. Tonight will be a chance for the public to give their comments and ideas for change as well.

Chief Dave Hayes stated this will be a review of the critical policies and procedures of the Department noting The Louisville Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this Department to provide law enforcement

services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group consistent with the City's Mission and Values.

He stated the organization values diversity and human life, and that starts with every new Officer before they put on a Louisville Police Department uniform for the first time. Those values are reinforced with all officers each day and with ongoing training.

The Chief reviewed the use of force – response to resistance policies of the Department noting de-escalation tactics are used to minimize the needs to use force. An officer shall use only force that is reasonable, necessary, and proportionate to effectively bring an incident or person under control, while protecting the lives of the officer or others. The Chief stated that effective June 15, 2020 a peace officer is prohibited from using a chokehold upon another person.

The Chief stated the Department also voluntarily reports any use of force that results in serious bodily injury to the Colorado Bureau of Investigation, who in turn reports this information to the Federal Bureau of Investigation. In 2019 and 2020 to date, the Department has not had any use of the force that resulted in serious bodily injury. Any use of force by a member of this Department shall be documented promptly, completely, and accurately in an appropriate report.

He stated that any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law must promptly report these observations to a supervisor.

The Chief stated bias-based policing is prohibited; officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

All officers wear portable audio video recorders. Officers should activate recorders any time they believe it would be appropriate or valuable to record an incident. Once activated, the portable recorder should remain on continuously until the officer reasonably believes that their direct participation in the initial incident that caused the activation has concluded or the situation no longer fits the criteria for activation.

The Chief reviewed the "8 Can't Wait" movement noting the Department's current policies are in full compliance with their recommendations. He added the Department will adopt any other changes coming out of the new bill from the State.

He noted the Department has gone through a recent accreditation process. That process included the review of all policies and showed the Department is using contemporary policies in all areas. He stated it also made sure they are using a comprehensive policy manual.

The Chief noted there has been a great increase in the need for mental health services in the community. The Department applied for a grant from the State that now pays for a co-responder program for the City. They partnered with the Community Reach Center of Adams County to provide these services to people in the community that might need mental health help. There is a clinician that can respond with officers to incidents where a person is in need of mental health services, addiction help, and information about other resources as needed. The clinician works on site at the Department.

The Chief stated it is crucial the Department hear from members of the community if there are issues so they can be addressed. He encouraged community members to contact the Department to learn more and share information about what they would like to see.

Councilmember Brown asked how much anti-bias training officers receive and how do we know it is effective. Chief Hayes stated the officers get specific training on this and get more than is required by the State. He added he and the command staff also take the classes to assess their value. He believes his staff would not allow for an officer to act with bias and would report that to their commanders.

Councilmember Brown asked if the Department keeps statistics on the race of those receiving tickets. Chief Hayes stated those statistics are not kept but he believes tickets are written about 95% of the time to white individuals.

Public Comments

Katie Dickinson, 721 Grant Avenue, stated the community should think what investments can be made that reduce crime before the police are needed. She asked about what problems the police handle that could be handled before law enforcement is needed.

Rachel Fox, 346 South McKinley Court, stated she knows the police care about the community but she also hears from people of color in the community that are not comfortable voicing their experiences with the police for their own reasons. She would like some facilitated community listening sessions for people to come talk about their experiences and keep the conversation moving forward.

Jim Candy, pastor at Ascent Church, stated he has worked with the Police Department over the years and have found them to be very caring about the community regardless of who the people are and what their background might be. He also supported some facilitated dialogue.

Sherry Sommer, 910 South Palisade Court, asked what the community can do to help the officers stay healthy in the time of COVID.

Erica Alexander, 908 Parkview, stated she would like more information on how much money is spent on officers in schools and if that is not going to happen, where that money would be spent.

Sydney, asked how the City guarantees that complaints are handled without retaliation.

Katie Lacz, 874 West Mulberry Street, asked the Council to seriously consider defunding the police and using some of that money on mental health professionals. She noted that while white people may have overwhelmingly positive interactions with police that may not be true for people of color. She noted this is an opportunity to spend money that was going to the police to other community services.

John Willson, Louisville Fire Chief, stated the Fire District has had a very good relationship with the Police Department. He has stated he has worked with many law enforcement agencies over the years and this department is one of the finest he has worked with.

Lydia Applly, an employee of Community Reach Center, stated she works with the Police Department as a social worker and has been extremely impressed with the Department and feel they are dedicated to help everyone, including people of color.

Mayor Stolzmann thanked everyone for their comments and agreed that just because most people have positive interactions doesn't mean there isn't room for improvement or change and we need to be sure we address racism. She supports community conversations. Regarding funding she stated the Council listens to funding priorities every year when doing the budget and if people have suggestions on how to spend the money the Council is willing to listen.

Councilmember Dickinson stated he has always had a good relationship with the officers, but that does not mean everyone across the spectrum people has the same relationship. He is excited for the conversation and where we can make it better.

Mayor Pro Tem Maloney stated Chief Hayes has really changed the culture of our Department and noted that the accreditation process really helped us see where we needed improvements. We need to always listen to the people to see what changes can be made for the better.

Councilmember Brown stated it is important to hear from the people of color in the community to know how we can do better and what needs to be addressed. This will be an ongoing dialogue in which all of us will participate.

Councilmember Leh stated it is always a good time to take stock and see where we can change our policies and practices. The budget is the way we can affect the priorities of the Department and we look at that very carefully each year; it will be looked at with an eye to where funds may be better sent. There is always room for improvement.

Councilmember Lipton stated the police are asked to handle a lot of things and that has evolved over time with more things added all the time. It falls to the police to handle civil behavior and that expectation keeps changing. The Police Department may need more resources or different resources to meet these expectations. We need to be critical about what they need and how we fund them.

Councilmember Fahey noted our Department has already addressed a great deal of the issues other Departments are now only starting to address. She looks forward to the community conversations.

Mayor Stolzmann asked if any members of Council want to head up the public meeting process. Councilmember Leh and Councilmember Dickinson volunteered. Staff will begin working on setting up these sessions.

DISCUSSION/DIRECTION – 2020 CITIZEN SURVEY RESULTS

Emily Hogan, Assistant City Manager, stated that in February 2020, the City hired National Research Center (NRC) to conduct the 2020 Citizen Survey. The intent of the survey is to provide updated data regarding community satisfaction with the City. The City typically conducts the survey every 4 years. In addition to providing feedback on the City's delivery of services and programs, the survey informs the City's progress in achieving its goals and objectives. It also offers the opportunity to solicit feedback from residents on a few policy-related matters. Hogan reviewed the process of the survey noting a 38% response rate.

Laurie Urban from NRC reviewed the results and methods of the survey. She stated the key findings show that the exceptional quality of life continues; safety remains high and is a priority; City government performance rated positively and improving since 2016; the expanded and updated Recreation | Senior center is appreciated; environmental sustainability and outdoor spaces are important; and the City's transportation system is praised but respondents are still supportive of funding improvements here.

She noted how the City's results compared to national and regional benchmarks. The new Recreation and Senior Center received very good reviews. She stated residents rated economic prosperity, open space and trails, and environmental sustainability as priorities. There was support for a single-use bag charge and increasing renewable energy.

Public Comments - None

Councilmember Dickinson stated the results were great. He noted the lack of affordable housing which is difficult to address.

Councilmember Leh was curious about the low numbers for street maintenance when we are spending so much money on that right now. Mayor Stolzmann stated she feels people just expect the streets to be better in general.

DISCUSSION/DIRECTION – POTENTIAL BALLOT ISSUES FOR 2020 ELECTION

Mayor Stolzmann stated there are a number of topics to address so the Council will take them individually.

Deputy City Manager Davis stated that in May the City Council discussed six policy issues that would require voter consideration or further City Council action to happen. Council requested staff bring forward options for potential ballot measures for three of these issues: Single use bag ban/tax/fee, tobacco/vaping tax, and community renewable energy.

If Council would like to move forward with any ballot measures for voter consideration in 2020, staff will work with the City Attorney to draft ballot language for first reading on July 14 and for second reading on July 28. The measure(s) would then be placed on the ballot for Louisville voter consideration in the November 2020 election.

Single Use Bag Tax

Emily Hogan, Assistant City Manager, stated staff has brought some options for Council to consider suggesting the following questions for discussion tonight:

- Which retailers should the tax apply to? Options include:
 - All retailers in Louisville
 - Only food stores/other retail
 - Other combination
- What should be the amount charged for the tax? Options include:
 - \$0.10 per bag with \$0.04 retained by retailer for cost of compliance and \$0.06 remitted to the City (similar to Boulder's fee)
 - \$0.20 per bag with \$0.10 retained by retailer for cost of compliance and \$0.10 remitted to the City
 - Other amount
- Staff recommends retailers retain their portion of the tax for compliance as a vendor fee rather than remitting the entire tax to the City and receive a refund.
- Should revenue from the tax be used for program administration and other sustainability-related initiatives or be left as unrestricted? Options include:
 - Tax revenue should only be used for program administration and other sustainability-related initiatives
 - Tax revenue should remain unrestricted
- When should the City start collecting the tax? Options include:
 - January 1, 2021
 - January 1, 2022

- January 1, 2025

Mayor Stolzmann asked members if they are interested in applying the tax to all stores or only specific businesses.

Councilmember Fahey and Councilmember Brown would it like to apply to all businesses.

Councilmember Lipton stated it looks as though most of the business is from the big grocers and we might want to limit it to that.

Mayor Pro Tem Maloney stated he would like to apply it to all retailers for simplicity but perhaps just start with food stores.

Mayor Stolzmann stated she supports applying it to all retailers.

Members discussed if it should be a tax on all single use bags or just single use plastic bags.

Councilmember Leh added he was comfortable just doing food stores at this time.

Public Comments

Sherry Sommer, 910 South Palisade Court, stated she supports it on all businesses or at least on all grocery and big box stores.

Tess, student at Louisville Middle School, stated she supports the tax on all businesses to help alleviate the impact on the environment to keep plastic out of the waste stream and to change community behavior.

RJ Harrington, supports the tax on all retailers, use the funds to pay for new renewable initiatives, and have it start in January 2022. He noted the impacts of climate change and how this might help.

Tiffany Boyd, 550 Grant Avenue, member of the Sustainability Advisory Board, stated she would like the tax on all businesses. This it is a way to change behavior and have an impact.

The consensus was to write the ballot language so the tax would apply to all retailers and apply to all single-use bags with certain specific exemptions using a definition similar to what Boulder uses.

Members agreed to write the ballot language with the per bag cost to be set at 25 cents with 10 cents going back to the retailer.

Members agreed that the funds the City receives from this should be restricted to paying for administration of the program and for sustainability programs.

Members agreed the start date for the tax should be 2022.

Tobacco/Nicotine/Vaping Tax

Deputy City Manager Davis stated there are a great deal of local tax options the City could consider however yesterday the General Assembly passed a bill that will refer a statewide tobacco tax to the voters in November. That bill includes an increase in the tobacco tax, an increase in the tax on other tobacco products, and a new tax on nicotine products including vaping products. Council could wait and see what happens in November or could move forward with a local tax if it wants to. Or, Council could consider a local ballot question that would only go into effect if the statewide measure fails.

Councilmember Brown stated he supports a local tax that would be in addition to any statewide measure.

Councilmember Dickinson would like a local tax on vaping considered in addition to the statewide measure in case the statewide measure fails.

Councilmember Leh and Councilmember Fahey were concerned that putting too many tax items on the ballot might mean none of them pass.

Mayor Pro Tem Maloney moved to hold off on this for 2020 locally and see if the statewide measure passes and if it does not to put this on the local ballot in 2021. Councilmember Lipton seconded the motion.

Public Comments – None.

Roll Call Vote: Motion passed 4-3 (Stolzmann, Dickinson, and Brown voting no).

Community Renewable Energy

Hogan stated Council directed staff to bring back options for a community-wide renewable energy tax. In 2019, City Council adopted renewable energy and carbon emission reduction goals for municipal operations and the larger community. Xcel has provided a proposal for the City that would retire Renewable Energy Credits (RECs) on behalf of the community in the amount needed to get to 100% carbon free electricity. Each year Xcel would calculate the amount of energy that the City would need to purchase. For example, in 2021, Xcel has estimated that the City would need to purchase an anticipated volume of 157,400 MWh, or a total estimated cost of \$629,600 per year, to bring the city's total electric consumption to 100% renewable.

Staff has provided options to fund this project including using existing City funds, a property tax, a sales tax, or a climate tax. There are other programs the City could also look at but this is one that could be accomplished quickly without a large administrative burden.

Staff is looking for answers to the following questions tonight:

- Which type of tax should the City pursue?
- Should there be different pricing for residential/commercial/industrial users?
- What should be the maximum amount to be collected by the tax?
- When should the City start collecting the tax?
- Should there be a sunset date for the new tax?

Mayor Stolzmann stated this is just one piece of a puzzle to lower our carbon emissions but it is a good price for Colorado RECs and will help us make some steps forward.

Mayor Stolzmann stated what needs to be decided tonight is how we would pay for this and how long it would run.

Mayor Pro Tem Maloney stated that while he is supportive of this idea there are a great many details that still need to be worked out before he is ready to support this.

Mayor Stolzmann agreed an agreement would need to be worked out with Xcel to cover the details.

Councilmember Fahey supported a property tax approach and feels this is a great way to get the whole city carbon neutral.

Councilmember Lipton was concerned this would be one too many taxes on the ballot. He felt a property tax would hit the lowest income residents the hardest and gave no incentive to get people to reduce consumption. He prefers a climate tax if we do anything. He would like more information.

Councilmember Dickinson supports the climate tax feeling that is the most equitable. He stated if it doesn't pass he would like it to be paid from the General Fund as it is that important a goal.

Councilmember Lipton suggested if this is that important maybe the City should fund it from existing revenue. Mayor Stolzmann stated if the Council wants to pay for this from existing funds she would support that.

Mayor Pro Tem Maloney stated he isn't prepared to support paying for this from the General Fund without more understanding of the total costs.

Councilmember Brown stated he supports a climate tax but that is hard to do without knowing how Xcel will respond to that.

Public Comments

RJ Harrington, stated his experience is this is a good move forward. He supports a climate tax that is capped and it should be reviewed annually as things change. He feels it should start immediately and have an end date. This is the fastest way to get where we need to go.

Councilmember Dickinson stated the residents showed strong support for this in the survey and we should do this. Councilmember Leh agreed.

Members agreed to move forward with ballot language for a climate tax that has a cap on it and also that it start in January 2021 and that it end in 2030.

Mayor Stolzmann noted there are a lot of things to be worked out on this and that may make it difficult to do quickly enough to get it on the ballot this year.

CITY ATTORNEY'S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

ECONOMIC VITALITY COMMITTEE – no report

FINANCE COMMITTEE – no report

LEGAL REVIEW COMMITTEE – no report

UTILITY COMMITTEE – no report

COLORADO COMMUNITIES FOR CLIMATE ACTION – CC4CA is updating their policy statement and that will come to Council for approval at a later date.

COMMUTING SOLUTIONS – no report

CONSORTIUM OF CITIES – no report

DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE – no report

DENVER REGIONAL COUNCIL OF GOVERNMENTS – no report

JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE) – no report

MAYORS & COMMISSIONERS COALITION – no report

METRO MAYORS CAUCUS – no report

REVITALIZATION COMMISSION – no report

XCEL ENERGY FUTURES – no report

ADVANCED AGENDA

Mayor Stolzmann asked if Council was interested in having a discussion about a Charter Amendment on the ballot this year to allow for electronic signature gathering. Members decided to have the Legal Review Committee look at this for a possible ballot issue in 2021.

Members voted to make the June 23 Study Session a Special Meeting.

ADJOURN

Members adjourned at 11:58 pm.

Ashley Stolzmann, Mayor

Meredyth Muth, City Clerk